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TRUSTS — RESTRAINT ON ALIENATION. — Testator conveyed real estate in trust for his son, the rents and profits to be paid into his own hands, and not into another's, whether claiming by his authority or in any other capacity. *Held*, that the income should be paid to the son to the exclusion of all other persons, whether claiming as alienees or as creditors. *Smith v. Towers*, 14 Atl. Rep. 497 (Md.).

The court, of course, relied upon *Nichols v. Eaton*, 91 U. S. 725, *Bank v. Adams*, 133 Mass. 170, and the Penn. cases, admitting that the law was different in England and in most of the States. See Gray's Restraints on Alienation, § 258 *et seq.*, where the author does not agree with the cases of spendthrift trusts.

TRUSTS — RESULTING — MINGLING OF FUNDS. — A guardian of an infant having purchased real estate chiefly with the money of his ward, he, however, contributing a portion, and having taken the title in his own name, a trust results in respect to the property in favor of the infant who may claim afterwards not merely a lien, as security for the money, but a proportionate share of the estate. *Bitzer v. Bobo et al.*, 38 N. W. Rep. 609 (Minn.).

For a discussion of the general principle see "The Right to Follow Trust Property," etc., 2 HARV. L. REV. 28.

UNRECORDED DEED — DOWER. — A was the grantee of certain lands by an unrecorded deed. Subsequently the grantor mortgaged the same lands to an innocent purchaser for value, and the mortgage was recorded. *Held*, that the right of dower of A's widow took priority over the mortgage. *Sondley v. Caldwell*, 6 S. E. Rep. 818 (S. C.).

This case, which certainly violates the spirit of our registry system (too often disregarded by the courts), seems wrong on principle. A widow's right of dower is made more effective than the right on which it depends, namely, her husband's right of title.

REVIEWS.

THE LAW OF SALES OF PERSONAL PROPERTY AS NOW ESTABLISHED IN THE UNITED STATES AND GREAT BRITAIN. By Nathan Newmark. San Francisco: Bancroft-Whitney Co., 1887. 12 mo. pp. xxi and 696.

The law of sales of personal property has been so well and fully discussed by Mr. Blackburn and Mr. Benjamin that a new treatise on the subject must possess extraordinary intrinsic merit to warrant its finding a foothold among text-books of standard authority. Mr. Newmark may be said to have fairly succeeded in his "attempt to make a concise, complete, and convenient presentation of the intricate and expanding law relating to sales of personal property," and, as a digest, his book may be found to be of considerable assistance to the practitioner.

It seems to us, however, that the author has placed too much reliance upon the "fulness of the index," and that the insertion of a table of cases would have enhanced in no small degree the usefulness of his work. To the lawyer who has become familiar with the leading cases there is nothing which renders the subject-matter of a book so readily accessible as a table of cases, and even the best-arranged index can scarcely be said to obviate its use.

From the many citations, such as "according to Bennett's Benjamin on Sales," "Schouler on Personal Property, § 188, whence paragraph derived," "Basis of paragraph: 1 Corbin's Benjamin on Sales, § 461," it must be inferred that the author has not made that personal origi-

nal research and investigation upon which, if comparisons are well made and distinctions finely drawn, the value of a treatise so largely depends.

The lawyer may make use of this work as the traveller makes use of a guide-book. It will lead him to mines of information, but into them, if he must know the truth as to what they contain, he must delve. Whether there is any need or demand for such a work is questionable, as the whole subject seems to be fully covered by the late editions of "Benjamin on Sales" by Mr. Bennett.

A. E. M.

BLACK ON TAX-TITLES. A TREATISE ON THE LAW OF TAX-TITLES, THEIR CREATION, INCIDENTS, EVIDENCE, AND LEGAL CRITERIA. By Henry Campbell Black. St. Louis, Mo. : Wm. H. Stevenson, 1888. 8 vo. pp. xxix, 452.

As the law of tax-titles "rests exclusively upon a statutory basis," it is rather difficult to present a treatise on tax-titles which shall not be a mere digest of statutes. This would obviously be a useless task and one which could not be accomplished within reasonable limits. The aim of the author, therefore, has been to point out the general features which the statutes of the several States have in common, and to discuss the main common-law questions arising out of the subject-matter. This he does clearly and less elaborately than his only competitor in the field, Blackwell, the fourth edition of whose work appeared in 1875. Mr. Black's book can be used to advantage only with an open statute book beside it. Its chief value lies in the fact that it traces the line of development of the law to the present day. As the author states in his preface, "the last half has witnessed the most important and radical changes introduced both through the action of legislative bodies and the interpretations of judicial tribunals in the law governing this subject." At one time such was the strictness of the law and the disfavor with which tax-titles were looked upon, that "a tax-title was no title at all," but more recently the courts and legislature have done much to give greater security to the holders of such titles.

B. G. D.

ESSENTIALS OF THE LAW, VOL. III., COMPRISING THE ESSENTIAL PARTS OF POLLOCK ON TORTS, WILLIAMS ON REAL PROPERTY, AND BEST ON EVIDENCE. By Marshall D. Ewell, M. D., LL. D., Professor of Law in Union College of Law, Chicago. Boston : Charles C. Soule. xvi and 243 pp.

In this, as in the preceding volumes of the series, Prof. Ewell has aimed to give a comprehensive abstract of the books selected ; and he has met with admirable success. The books chosen need no comment ; they are generally recognized as standards. The work of abstracting them has been done with excellent judgment ; and the result is the more valuable from the fact that the exact words of the original authors have been retained as far as possible, the more important passages being printed in heavier type. To one who wishes a rapid, but at the same time thorough, review of these subjects, this little volume will be found very valuable. It is to be regretted that the desire to get as much as possible into a small compass has led the publishers to use type which though clear is still too small to be read for any length of time without effort, thus marring an otherwise excellent book.

G. P. F.